

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
James Rollins : Case No.: 17-15913
Debtor(s). : Chapter 13
Debtor(s). : Judge Jean K. FitzSimon
Debtor(s). : * * * * *

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

Now comes Wells Fargo Bank, NA ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 4530 Cottman Avenue, Philadelphia, PA 19135.
2. The Debtor's Chapter 13 Plan proposes to treat Creditor's claim unfairly by providing for an inadequate arrearage amount. The amount of the arrearage in the Chapter 13 Plan is \$10,238.00 and the amount that Creditor has calculated for inclusion in its claim is \$13,132.58.
3. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)
Adam B. Hall (0088234)
Sarah E. Barngrover (28840-64)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Karina
Velter.
Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA 19107

Brad J. Sadek, Attorney for James Rollins, Sadek and Cooper, 1315 Walnut Street, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on September 26, 2017:

James Rollins, 4530 Cottman Avenue, Philadelphia, PA 19135

DATE: 9/26/17

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

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Sarah E. Barngrover (28840-6)

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Fax: 614-627-8181

Attorneys for Creditor
The case attorney for this file is Karina
Velt

Contact email is kyelter@marleydoeas.com